



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,015	01/10/2002	Gregory Floyd	044123-1633	5204

7590 09/26/2003

Jason E. Pauls
FOLEY & LARDNER
Firststar Center
777 East Wisconsin Avenue
Milwaukee, WI 53202-5367

EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,015

Applicant(s)

FLOYD ET AL.

Examiner

Alfred J Wujciak III

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-17 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 is/are allowed.
- 6) ☒ Claim(s) 1-4,6-13,17 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). 4.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other:

DETAILED ACTION

This is the second Office Action for the serial number 10/046,015, Roof Support with Integral Gutter, filed on 1/10/02.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/27/03 was filed after the mailing date of the first office action on 12/23/02. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 3632

Claims 1-3,6-7, 9,12-13, 17 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent # 6,279,290 to Richardson.

Richardson teaches a roof structure (figures 1-2) comprising a vertical support web (10), an exposure surface (12), and a collector (50). The support web integral with and perpendicularly bisecting the exposure surface and the collector. The exposure surface includes flanges(30) projecting outwardly in opposing lateral directions. The collector has flanges (53) projecting outward in opposing lateral directions. Each flange having a distal edge (55) upwardly extending from the flange at an angle of 90 degrees. The exposure surface and the collector are integral with the support web (figures 1-2). The collector has a depth greater than the maximum expected deflection of the roof support. The distal edge (slanted end of element 55) is general parallel to the upper part of support web (triangular edge adjacent element # 22). The distal edge has a downwardly extending end (46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson.

Richardson teaches the distal edge but fails to teach the distal edge extends from each flange at an angle of 125 degrees. It would have been obvious for one of ordinary skill in the art

at the time the invention was made to have modified the distal edge to 125 from 90 degrees to provide an additional support for supporting a roof panel.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson in view of US Patent # 6,085,469 to Wolfe.

Richardson teaches the roof structure but fails to teach the roof structure is manufactured by extrusion process. Wolfe teaches a structural connector manufactured by extrusion process (col. 1, lines 50-52). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used Richardson's roof structure through the extrusion process as taught by Wolfe to provide a convenience in forming the roof structure.

Claims 10-11 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson in view of US Patent # 6,449,910 to Budd.

Richardson teaches the roof panel having but fails to teach a drip edge extending longitudinally along the interior surface of the roof panel. Budd teaches the roof panel (150) having a drip edge (10) extending longitudinally along the interior surface of the roof panel. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the drip edge to Richardson's roof panel as taught by Budd to provide a designer's preference for the water to travel under the roof.

Allowable Subject Matter

Claims 14-16 are allowed.

In regard to claims 14-15, the prior art fails to teach at least one flange of the exposure surface of the roof support includes an arcuate channel. In regard to claim 16, the prior art fails to teach the roof structure has a modulus of elasticity of at least about 2,500,000 pounds per square inch.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-13 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Since the applicant inserted new language in claim 1, "wherein at least part of the exposure surface is the exterior of the roof structure," the examiner changed the element # 22 to element # 12 to indicate the exposure surface is exterior of the roof structure.

With respect to applicant's argument on page 5, stating that Richardson does not teach the roof panel being closely adjacent to a support web in the roof structure and a "slight negative slope corresponding to a slope of the roof panel." "Closely adjacent" means the roof panels can be closed but not touching to the support web. Figure 9 in Richardson's invention shows that the roof panels are "closely adjacent" to the support web. If the applicant meant by the roof panels touching the support web, Richardson can have his roof panels touching the support web by moving the panels inwardly to the web. The top surface of element 12 adjacent to two slopes is considered as 0 degree angle, the slopes lie downwardly from top surface (0 degree angle), the slopes are in negative angle form from the top surface.

Art Unit: 3632


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred J Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Alfred J Wujciak III
Examiner
Art Unit 3632


Korie Chan
Primary Examiner
Art Unit 3632

9/11/03